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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/582,522	08/24/2000	Zeev Maor	00654759	8228
26565	7590	10/19/2005	EXAMINER	
MAYER, BROWN, ROWE & MAW LLP P.O. BOX 2828 CHICAGO, IL 60690-2828			YU, GINA C	
			ART UNIT	PAPER NUMBER
			1617	

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/582,522

Applicant(s)

MAOR ET AL.

Examiner

Gina C. Yu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-6,10,12,13,15-19 and 21-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-6, 10, 12, 13, 15-19, 21-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/1/2005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on July 1, 2005 has been entered.

Prosecution on the merits of this application is reopened on claims 1, 3, 6, 10, 12, 13-19 are considered unpatentable for the reasons indicated below:

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 3, 10, 12, 13, and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malencon (FR 2242971, English translation) in view of Kyotaro (JP 08-113530, English translation), Maor et al. (International J. of Cosmetic Science 19, 105-110, 1997) and Flick (Cosmetic Ingredients: An Industrial Guide).

Malencon teaches colorless gel comprising 1000 ml of filtered sea water, 1 ml of benzalkonium chloride in 50 % solution, and 40-80 g of sodium alginate. See Translation, Example 1. The reference teaches that the composition is used to treat numerous pharmacological conditions and superficial wounds. See p. 2. The reference

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also teaches, "there is a need for stabilized sea water which preserves the majority of its beneficial properties for long periods of time, and can be transported and used in places far from the seaside". See p. 1. The reference also teaches that the prior art gel "provides stabilized sea water in the form of a product with a certain viscosity which is easy to apply externally". The reference fails to teach using Dead Sea water.

Kyotaro et al. teach a bathing composition comprising up to 20 % of Dead Sea water or its salts. See abstract. The reference teaches that the composition is "excellent in skin humectant properties" and provides "remarkable improvement" in skin texture color, and gloss, especially when applied to aged skin. See abstract. The reference teaches natural and synthetic perfumes, gelling agents such as carboxymethylcellulose, methylcellulose, sodium alginate and PVP. See p. 1, [009] 5). See instant claim 21. Surfactants, amino acids, vitamins and other ingredients are taught. See [009], 8). The reference also teaches hydrophobic active agents (avocado oil) and hydrophilic agents (glycerol, propylene glycol, and sorbitol) on [009], 4) and 6), respectively. See instant claims 10, 12, 13. Lavender oil is taught on [009], 7). See instant claim 22.

Maor et al. teach that a liquid gel composition comprising 1 % of concentrated Dead Sea water provides a significant anti-wrinkle treatment effect.

The combined references fail to teach nonionic solubilizer.

Flick teaches that nonionic, ethoxylated emulsifiers (Oleth-20) provide clear Carbopol gel. See p. 180. See instant claims 3 and 23. The reference teaches that Ceteh-20, also a nonionic emulsifier, is used as fragrance solubilizer in clear gels. See

p. 180. Oleth-3, another ethoxylated nonionic emulsifier produces clear gel with Crodafos phosphate esters. See p. 179. The reference teaches that the typical use of the emulsifiers range from 0.5-5 %.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the composition of Malencon by replacing the sea water with Dead Sea water as motivated by Kyotaro and Maor because these references teach cosmetic benefits of Dead Sea water in treating aged skin. The skilled artisan would have been motivated to use nonionic solublizer as taught by Flick because of the expectation of successfully producing a clear gel comprising an oil phase.

Claims 4-6, 18, 19, 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malencon (FR 2242971, English translation) in view of Maor et al. (International J. of Cosmetic Science 19, 105-110, 1997) and Flick (Cosmetic Ingredients: An Industrial Guide) as applied to claims 1, 3, 6, 10, 12, 13-19, and 21-23 as above, and further in view of Thompson et al. (US 5425954).

The combined references fail to teach the antioxidants recited in the instant claims.

Thompson et al. teach compositions for the treatment of skin. Vitamin E/tocopherol acetate is taught as preventing the oxidation of fatty acids, thereby protecting lipids and lipoproteins in cell membranes which allows cells to retain water binding capacity and prevents dry skin. The reference also teaches Ceteth-20 as

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lubricant used in 1.5 % of the composition. See col. 3, lines 9-24; col. 3, lines 5, line 44-
col. 7, line 39.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the composition of the combined references by adding tocopherol acetate as motivated by Thompson et al. because the reference teaches vitamin E protects lipids and lipoproteins in cell membranes which in turn allows cells to retain moisture and prevents dry skin.

Conclusion

No claims are allowed.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gina C. Yu whose telephone number is 571-272-8605. The examiner can normally be reached on Monday through Friday, from 8:30 AM until 6:00 PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sreeni Padmanabhan can be reached on 571-272-0629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gina Yu
Patent Examiner



SREENI PADMANABHAN
SUPERVISORY PATENT EXAMINER